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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,481	10/23/2003	Philip Berardi	I008-P03170US	1998
33356	7590	08/10/2005	EXAMINER	
SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			WUJCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 08/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,481

Applicant(s)

BERARDI, PHILIP

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-25 is/are allowed.
- 6) ☒ Claim(s) 1-22 and 26-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the final Office Action for the serial number 10/692,248, Mount for Stage Apparatus, filed on 10/23/03.

Specification

The disclosure is objected to because of the following informalities: On page 5, section [0020], "base plate 210" should be changed to ---channel 210--- for clarification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 4,190,309 to Glass.

Glass teaches a support mount (18) comprising a means for receiving connection (14) including a base plate (see drawing of figure 1 attached), a means for securing (figure 4) the means for receiving connection to a rail (12) and a stage equipment (16) including an open faced lamp attached to the means for receiving connection. The means for securing includes a cylindrical portion (80). The means for securing is rotationally activated (figure 4). The means

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for securing comprising a "T" bolt (52,54,56). The means for securing comprises means for aligning (58 and 60) for aligning the means for securing in the rail. The means for aligning is rotationally activated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glass.

Glass teaches the bolt but fails to teach the bolt is a butterfly bolt. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Glass's bolt to butterfly bolt to provide convenience for locking the means for securing in the channel of track.

Claims 8, 10-11, 15-17, 19, 22, 26-28, 30-31 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,591,541 to Cummings in view of US Patent # 3,964,706 to Adams.

Cummings teaches a support mount (figure 2) comprising a base plate (74), a mount device (18) permanently attached to the base plate, at least one knob assembly (24) comprising knob and bolt (screw and figure 5), the support mount is coupled to a rail (54) by placing the bolt of knob assembly into a channel in the rail and rotating the knob assembly. The bolt comprises a

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head (100), a collar (104) and cylindrical portion (shaft of bolt). The head is formed of "T" shaped with collar and the cylindrical portion. The mount device comprises a tube (30). The support mount is coupled to a rail (52) by placing the t-bolt of the knob assembly into a channel of rail and rotating the knob assembly. The base plate and mount device are constructed of metal material (aluminum, col. 4, lines 42-43, col. 5, lines 4-5). Furthermore, Cummings teaches that the rail is coupled to a wall (transom).

Cummings teaches the knob assembly comprising knob and bolt but fails to teach the bolt is secured in the stem, however the element 32 in figure 2 shows that the bolt of knob is secured in the stem. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the stem to knob assembly to provide a spacer between the knob and the base.

Cummings teaches the equipment (20) but fails to teach the equipment is a net. Adams teaches the equipment is a net (54). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have replaced Cummings' equipment with net as taught by Adams to provide alternative method for picking up an object.

In regard to claims 35-38, Cummings in view of Adams teach all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for installing elements together to provide convenience for setting up the stage equipment on the boat.

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Claims 9, 12-14, 18, 20-21, 29 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings in view of Adams and in further view of US Patent # 5,199,836 to Gogarty.

Cummings teaches the stem but fails to teach the stem comprising screw threads. Gogarty teaches the stem (106) having screw threads (figure 14). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added Cummings' stem with screw threads as taught by Gogarty to provide security for stem to remain connected with the bolt.

In regard to claims 12-13 and 20-21, Cummings teaches the collar but fails to teach the collar is shaped of cam. Gogarty teaches the collar (54) is shaped of cam. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Cummings' collar with cam shaped as taught by Gogarty to provide better security for the bolt to remain connected to channel of rail.

Allowable Subject Matter

Claims 23-25 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach the handle screwed into the tube.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632 *AW*

8/1/05


KORIE CHAN
PRIMARY EXAMINER